



City of Powell, Ohio
City Council

MEETING MINUTES
JULY 15, 2008

A regular meeting of the Powell City Council was called to order at 7:33 p.m. by Mayor Tom Counts. City Council members present included Richard Cline, Don Grubbs, Jim Hrivnak, Elmer Meider and Dan Wiencek. Art Schultz arrived at 7:33 p.m. Also present were Steve Lutz, City Manager; David Betz, Director of Development; Gene Hollins, Law Director; Susie Ross, City Clerk; interested parties and members of the Press.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

Mayor Counts opened the Citizen Participation session for items not listed on the agenda. Hearing none, he closed the citizen participation

APPROVAL OF MINUTES

MOTION: Councilman Cline moved to adopt the minutes of July 1, 2008 as corrected. Councilman Grubbs seconded the motion. By unanimous consent, the minutes were approved.

CONSENT AGENDA

Item

Action Requested

ORDINANCE 2008-21

Adoption

AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS OF MIDDLEBURY ESTATES SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE AMENDED PLAT THEREOF RECORDED IN CABINET 2, SLIDES 277-277A, DELAWARE COUNTY, OHIO RECORDS.

Monthly Financial Report

Receipt of Electronic Report

Monthly Historic Downtown Powell, Inc. (HDPI) Report

Receipt of Electronic Report

Monthly Development Report

Receipt of Electronic Report

Monthly Police Report

Receipt of Electronic Report

MOTION: Councilman Cline moved to adopt the Consent Agenda. Councilman Grubbs seconded the motion. By unanimous consent, the Consent Agenda was adopted. The Monthly Reports were received and Ordinance 2008-21 was adopted.

CLERK OF COUNCIL CORRESPONDENCE – INITIATIVE PETITION

Steve Lutz, City Manager, said the City Clerk received an initiative petition and pursuant to City Charter, after ten days she certified the wording of the petition and sent a copy to the Board of Elections. He said the Board has ten days to review the signatures. He said also pursuant to the City Charter, the initiative petition has been submitted to the City Council and they will have the opportunity at their August meeting to adopt the language of the initiative petition, reject it or take no action. Mr. Lutz said if it is rejected or no action is taken, the initiative will be placed on the November General Election ballot.

Mayor Counts said later in the agenda Council will determine their schedule for August.

RESOLUTION 2008-13: A RESOLUTION DIRECTING THE CITY MANAGER TO DESIGNATE AREAS OF VILLAGE CLUB DRIVE AS A NO PARKING ZONE.

Mr. Lutz said this was discussed at the last Council meeting and modifications were made based on input and recommendations. He said a new Exhibit "A" is attached. He said Staff worked with a resident who lives at the northwest corner of Village Club and High Wind and the resident expressed a strong desire to not prohibit parking in front of his residence. He said Staff proposes a stop bar be installed for those vehicles leaving Kinsale Country Club. Mr. Lutz said they also recommend posting a no parking zone for 140' from the corner of the High Wind and Village Club Drive intersection. He said they recommend the

area 140' from the intersection of Sawmill Parkway and Village Club Drive be posted as a no parking zone.

Councilman Wiencek asked Mr. Betz if this street as designed meets engineering guidelines for street width, parking and sight lines. He said he understands there is a concern about sight lines but asked why this issue is so significant that it needs to be dealt with beyond normal engineering guidelines. Mr. Betz said when vans and SUVs are parked close to the corner there are sight line issues. He said at most twenty (5 each side) spaces will be removed and this should make it a safer situation. Councilman Wiencek suggested they have Planning & Zoning review zoning requirements on future plans so they do not approve circumstances which create a similar issue. Mr. Lutz said Tyler Run Elementary will be asking for a similar restriction in the near future.

Mayor Counts opened this item to public comment. Hearing none, he closed the public comment session.

Councilman Meider said the recommendations as stated make sense. Councilman Cline agreed and said they should have a systemic approach in the future. Councilman Schultz said it will be important for Planning & Zoning to consider that this is not a normal situation as sometimes overflow parking is needed for special commercial/school events. He said the club has said they are adding parking and making other remedies. He said this was discussed fully in Committee and he believes this is the right thing to do. Councilman Grubbs said he believes Tyler Run Elementary is in the same situation. Councilman Hrivnak asked if there will be signage for the crosswalk as well as parking. Mr. Betz said it is at an intersection and is a striped crosswalk but there is no "pedestrian crossing ahead" sign present. Councilman Hrivnak said it was discussed at the last meeting. Councilman Wiencek said it does not hurt to have additional signage. Councilman Cline said the Uniform Traffic Manual establishes the criteria when those signs are appropriate and they should follow those guidelines. Councilman Hrivnak agreed. Mr. Lutz said he will investigate this and report to Council at the next meeting.

MOTION: Councilman Cline moved to adopt Resolution 2008-13. Councilman Grubbs seconded the motion. By unanimous consent, Resolution 2008-13 was adopted.

RESOLUTION 2008-14: A RESOLUTION TO ESTABLISH THE ESTIMATED REVENUES FOR THE CITY OF POWELL FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009.

Mr. Lutz said as part of the Delaware County Budget Commission's budgeting process the City is required to submit their estimated revenues prior to August 15th. He said Staff uses the estimated revenues from the budget for this information. He said it is an administrative item which is required to be submitted each year.

Mayor Counts opened this item to public comment. Hearing none, he closed the public comment session.

MOTION: Councilman Cline moved to adopt Resolution 2008-14. Councilman Grubbs seconded the motion. By unanimous consent, Resolution 2008-14 was adopted.

FIRST READING: ORDINANCE 2008-20: AN ORDINANCE AMENDING THE ZONING CODE FO THE CITY OF POWELL REVISING SECTION 1151, REGARDING GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS.

Mr. Lutz said City Council began to review proposed amendments to the sign code regulations in January of this year. He said amendments were made by Planning & Zoning and Council expressed some concerns regarding the proposed amendments and requested the Commission to do more work on the ordinance. Mr. Lutz said the code has been completely rewritten and studied by the Planning & Zoning Commission for some time. Mr. Lutz said tonight is the public hearing regarding the proposed amendments which have been reviewed and recommended by Planning & Zoning.

Eric Fischer, Development Planner, said the amendments to the zoning code represent a lot of hard work by the Planning & Zoning Commission, members of local businesses and the public, City Staff and the City Attorney. He thanked Councilman Wiencek for spending a significant amount of time to rewrite the amendments.

Mayor Counts asked what within the proposed ordinance is different from the existing sign code. Mr. Fischer said they eliminated the redundancies, added definitions and made the code easier to read and understand. He said they also reviewed it closely with Counsel so the code is constitutionally strong in

case of a challenge. He said they incorporated a section on multi-user sites and established definitions for items such as electronic signage. Mr. Fischer said criteria was established to allow for control and enforcement and the wording was crafted so it is general and will not have to be changed as technology changes. He said they also added a severability clause to the end of the code to deal with any type of legal challenge.

Councilman Meider asked if there was a general consensus on the amendments presented. Mr. Fischer said they went through eight drafts and at the end the members of the Commission were pleased. Mr. Betz said many changes will not be seen such as height and size. He said they added definitions to gain more consistency. He said they had several public hearings over this time period and notifications were sent to all businesses within the City. He said the Chamber of Commerce also notified businesses. Mr. Betz said they fully discussed this and he is pleased it came out so well.

Councilman Grubbs commended Staff and the Planning & Zoning Commission on their hard work. He said the amendments were very well done. He had several questions:

- Page 2-3, Existing Signs: the two sentences seem to be inconsistent. Mr. Betz suggested the word "such" needs to be removed from the second sentence.
- Page 14, Temporary Signs, 1151.06 A1: maximum area and height, illumination, zoning certificate required are not mentioned. Mr. Fischer said these items are defined under each separate district. He said they are able to dictate these even in residential non-commercial situations.
- Page 17, E 10: Non-commercial free speech. Mr. Fischer said Counsel suggested they build in what may be considered redundant wording so they survive a constitutional challenge. He said Staff suggests they remove the underline and add the word "statement" between "commercial" and "shall."
- Page 17, E 8: Councilman Grubbs asked about HDPI or schools who would like to place a sandwich board on the four corners. Mr. Fischer said they were advised that they cannot separate out institutional users for special treatment. Councilman Grubbs asked if this type of usage would be permissible under Non-Commercial Speech, Section A 1.

Gene Hollins, Law Director, said Brian Zets has worked closely with Staff on the rewrite of code. He said he would prefer to bring Mr. Zets to the next reading to address this question. Mr. Hollins asked if they are always displayed on private property. Mr. Betz said sometimes they are placed in the public right-of-way.

Discussion took place on the following sections within the amendments:

- Page 17, E, paragraph 8: states the signs shall not be more than 10 feet away from the exterior wall. Mr. Betz said this restriction applies to the Historic District.
- Page 17, E: In the third line after "sidewalk signs," determine if the correct word is "designate," "design," or "define." Mr. Fischer said he will review it to determine intent.
- Page 20, 1151.08 prohibited signs, #6, portable changeable copy signs: Councilman Grubbs said many Homeowners' Associations use these types of signs for various types of notices. Mr. Fischer said this was taken from the present code. He said he will investigate the ability to make an exception. Councilman Grubbs said he does not support this type of restriction and would like to see changeable copy signs allowed for HOA groups. Councilman Wiencek said it was the desire of the P & Z to prohibit this type of sign for any type of business and other uses were not considered. Councilman Grubbs suggested they be prohibited only in the commercial district.
- 1151.05 Residential District: Are team signs on garages permitted? Mr. Betz said they are allowed as non-commercial free speech signage and are limited to only one identical sign per property.
- Page 13: Non-residential District: Blade, awning and canopy signs shall be considered wall signs. Mr. Fischer said that should be covered in the definitions section.
- Page 3, D 1, legal non-conforming sign: the reference is noted as 1175.03 should be 1151.02.
- Are Zoning Certificates and Permits two different items? Mr. Fischer said they are different and he will review the document to ensure the terms are used correctly.
- Stick Signs: Mayor Counts asked if the code has been changed in how they deal with these types of signs. Mr. Fischer said the code has been changed so "stick signs" are not permitted anywhere. Mr. Betz said they made changes to the code so they have a more consistent way to deal with enforcement. He said they also added the ability to draft Multi-User Sign Plans and that may address the need for cheap portable signs.
- Page 14, 1151 A 1: Add a statement to this section which states that they restrict the size of signage.

Mayor Counts opened this item to public comment.

Bud McNichols, 160 E. Olentangy Street, landlord for Powell Center, was present to address Council. He said he has reviewed the section regarding Multi-User Signage and as a landlord he sees absolutely no problem with it. He said it allows him to make a proposal and if it is within the guidelines and reasonable to the City his proposal may be approved. He said he has mixed emotions on the stick signs regulations. He said they are all trying to draw business to the community and he sees his tenants struggling. He said some businesses have not been able to make it because of where they are located. He said he lets his tenants know stick signs are not permitted. Mr. McNichols said if the tenants put a sign out they will do so without the permission of the City or the landlord. He said he monitors it and removes the signs. He said they have two churches in their facility and once or twice a year they will pay a lot of money to a group to come in to put on a one time concert. He asked if the new code allows a 2-3 days temporary sign without going through a permit. Mr. Betz said they can add that wording to their overall multi-tenant sign plan. Mr. Fischer said they can work out a plan with their tenants and bring it to Staff and the Commission for permission. Mr. McNichols asked if that falls within the non-commercial free speech or would it need to be included in their plan. Mr. Fischer said he will investigate that with legal Counsel and get clarification. Councilman Schultz asked if they would have size restrictions in this instance. Mr. Fischer said they still need to follow guidelines whether it's commercial or non-commercial speech.

Mayor Counts closed the public comment session.

Councilman Schultz said they know the shopping center discussed has a tough time because they are not visible. Councilman Wiencek said the sign plan could allow a "permanent" temporary sign where they change the sign which hangs from it. He said having a plan opens the door to signage which is specific to the site. Councilman Hrivnak said that is exactly why they decided to come up with this multi-user plan.

Councilman Wiencek publicly thanked Mr. Craig Snider from Sign-A-Rama for the significant time he spent in attending meetings, providing advice and helping them write definitions. He said Mr. Snider was a very big help.

This item was taken to a second reading.

COMMITTEE REPORTS

Development Committee: No report. Next Meeting: August 19th, 6:30 p.m.

Finance Committee: No report. Next Meeting: TBA

Operations Committee: No report. Next Meeting: August 7th, 7:00 p.m.

CITY MANAGER'S REPORT

Mr. Lutz introduced Jeff Robinson, the City's Public Information Officer. He said Jeff has already provided information regarding the Health District's policy addressing the mosquito problem. He said Saperstein and Associates is currently conducting the Powell Community Survey and they should have a summary of the results presented next month. Mr. Lutz said they previously discussed cancelling the August 5th Council meeting because a Special Election takes place in the facility on that date. He said all timelines will still be met for everything if they cancel the meeting and Council will need to make a motion. He said the August 19th meeting will take place as scheduled. Councilman Cline asked if the motion should be to cancel or to postpone the meeting. Mr. Hollins said the motion should be to cancel the meeting.

MOTION: Councilman Cline moved to cancel the August 5, 2008 Council meeting. Councilman Grubbs seconded the motion. By unanimous consent, the motion was adopted.

Councilman Wiencek asked if the City is planning on purchasing more road salt for the upcoming winter season. Mr. Lutz said the City has doubled its storage capacity within the past few years and when they ran short last winter they were in the same situation as most other Central Ohio communities. He said typically they are covered for most situations.

OTHER COUNCIL MATTERS

MOTION: Councilman Cline moved at 8:30 p.m. to adjourn to Executive Session in accordance with ORC Section 121.22 (G) (3) to discuss pending litigation. Councilman Grubbs seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adjourn from Executive Session at 9:50 p.m. Councilman Grubbs seconded the motion.

VOTE: Y 7 N 0

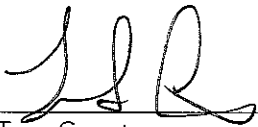
MOTION: Councilman Cline moved to reconvene in Regular Open Session at 9:51 p.m. Councilman Grubbs seconded the motion.

VOTE: Y 7 N 0

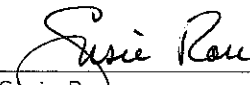
MOTION: Councilman Cline moved to adjourn from Regular Open Session at 9:51 p.m. Councilman Grubbs seconded the motion.

VOTE: Y 7 N 0

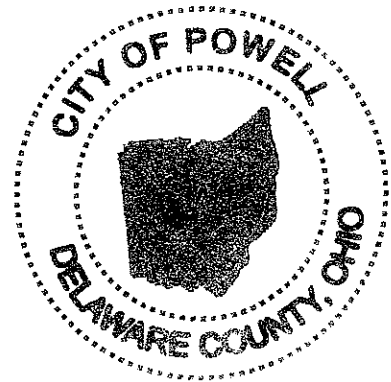
DATE MINUTES APPROVED: August 19, 2008



Tom Counts
Mayor
9/1/08
Date



Susie Ross
City Clerk
9/2/08
Date



City Council

Tom Counts, Mayor

Richard Cline

Don Grubbs

Jim Hrivnak

Elmer Meider

Art Schultz

Dan Wiencek

